

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

TETRIS HOLDING, LLC and THE TETRIS  
COMPANY, LLC,

Plaintiffs and  
Counterclaim-Defendants,

- against -

XIO INTERACTIVE INC.,

Defendant and  
Counterclaim-Plaintiff.

Civil Action No: 3:09-cv-6115 (FLW) (DEA)

Hon. Freda L. Wolfson, U.S.D.J

Hon. Douglas E. Arpert, U.S.M.J.

**~~[PROPOSED]~~ CONSENT ORDER**

Pursuant to written notice, and by agreement between counsel for the parties herein, the following dates are established for dispositive motions in the above-referenced action:

**ORDERED THAT:**

1. Any dispositive motions shall be filed and served no later than September 29, 2011, with a requested return date of December 5, 2011;

2. Any opposition papers to dispositive motions shall be filed and served no later than October 25, 2011;

3. Any reply papers in support of dispositive motions shall be filed and served no later than November 18, 2011; and

4. Local Civil Rule 7.1(d)(5) shall not apply to alter any of the foregoing dates.

Further, pursuant to agreement between counsel for the parties herein, it is ORDERED THAT the following counterclaim and affirmative defenses are hereby dismissed with prejudice and without costs: (a) Xio's counterclaim for misrepresentation, (2) Xio's affirmative defense of Failure to Mitigate (Fifth Affirmative Defense), and (3) Xio's affirmative defense of First Amendment (Eighth Affirmative Defense).

5. The Court will conduct a telephone status conference on November 21, 2011 at 10:30 am. Plaintiff's counsel will initiate the call. If appropriate, the Court will then schedule a Settlement Conference.

Dated: July 8, 2011

*D. E. Arpert*

Hon. Douglas E. Arpert  
United States Magistrate Judge

Consent to entry of the above Order:

Johanna Schmitt, Esq.  
**KIRKLAND & ELLIS LLP**  
601 Lexington Avenue  
New York, NY 10022  
(212) 446-4841  
Johanna.schmitt@kirkland.com

Sonali Maitra, Esq.  
**DURIE TANGRI**  
217 Leidesdorff Street  
San Francisco, CA 94111  
(415) 362-6666  
smaitra@durietangri.com

Robert J. Schoenberg  
**RIKER DANZIG SCHERER HYLAND  
& PERRETTI LLP**

Donald A. Robinson, Esq.  
**ROBINSON, WETTRE & MILLER LLC**

s/ Robert J. Schoenberg

s/ Donald A. Robinson

Headquarters Plaza  
One Speedwell Avenue  
Morristown, NJ 07962-1981  
(973) 538-0800  
rschoenberg@riker.com

One Newark Center, 19th Floor  
Newark, NJ 07102  
(763) 690-5400  
drobinson@rwmlegal.com

Attorneys for Plaintiffs

Attorneys for Defendant